

The logo for K&L GATES, featuring the company name in a white, sans-serif font on a dark blue rectangular background.

July 1, 2025

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**Via ECF**

The Honorable Ramon E. Reyes, Jr., U.S.D.J  
United States District Court, E.D.N.Y  
225 Cadman Plaza East, Courtroom 2E North  
Brooklyn, New York 11201

**Re:     *NETGEAR, Inc. v. Firemall LLC***  
**U.S. District Court - Eastern District of New York, Docket No. 1:24-cv-05338-RML**

Dear Judge Reyes:

We write on behalf of Plaintiff Netgear, Inc. in response to Defendant's June 30, 2025 letter concerning the status of the parties' mediation efforts.

Since this lawsuit was filed in July of 2024, Plaintiff has engaged in extensive settlement discussions with Defendant and recently made a final settlement offer. Plaintiff is prepared to resolve the matter, but only if Defendant agrees to, *inter alia*, two non-negotiable conditions: (1) to cease all sales of Netgear-branded products, with liquidated damages for any future sales, and (2) to disclose the source(s) of its Netgear inventory. While Plaintiff is not opposed to mediation, it will not compromise on these terms. Defendant is in a position to accept or reject them now. Waiting for formal mediation will not alter Plaintiff's position and will only result in unnecessary delay.

Moreover, the parties have not been able to schedule a mediation before late August or September due to availability issues among the mediator and counsel. Given that Plaintiff's position is fixed and that no productive mediation can occur without agreement on these threshold issues, further delay serves little purpose.

Continued delay is also prejudicial to NETGEAR. Defendant has made clear that it intends to continue selling NETGEAR products while the parties await mediation. Its ongoing conduct, much of which occurs online, risks the loss of relevant evidence (despite Plaintiff's reminders of Defendant's preservation obligations). The resulting harm to Plaintiff is ongoing. To mitigate this prejudice, Plaintiff intends to proceed with written discovery without further delay.

In sum, given that schedules do not allow mediation to occur for another 45-60 days, NETGEAR is amendable to further mediation but asks that the Court set a status conference for mid to late September to ensure that this matter continues forward promptly.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MN' followed by a long horizontal stroke.

Morgan T. Nickerson

Encl.